

SHE WAS A LIVELY LADY.

Testimony Taken in the Tufts Divorce Case.

A MOTION FOR ALIMONY.

Attempt to Show That Alleged Offenses Were Condoned.

Lively Tilt Between Mrs. Tufts and Attorney Jones—A Husband Alleges That His Wife Is a Slave to Opium—Court Notes.

The Third district court with Judge Baruch presiding was in session yesterday morning. The case of greatest interest which came up was the divorce suit of Laura G. Tufts vs. Don Carlos Tufts, which came up on the motion of Judge Powers, plaintiff's counsel, that alimony be granted to Mrs. Tufts pending the trial of the suit. The original complaint is made on the grounds of cruelty and habitual drunkenness and the defendant pleaded condonation on the part of Mrs. Tufts, and swore that since the commencement of the divorce proceedings he and his wife had occupied the same apartment.

Attorney Jones (of Jones & Schroeder), counsel for the defendant, went on the stand and testified that Mrs. Tufts in an interview and stated that the suit could be compromised and desired a consultation with that end in view.

Mr. Schroeder also stated that Mrs. Tufts had admitted to him that she and her husband had occupied the same room since the suit was begun.

For the complaint, Judge Powers called Lucille Pender, who testified that during the three years he had known Mrs. Tufts he had seen her drink occasionally, but that she was not a habitual drunkard.

E. B. Newell, a saloon keeper, said he had known Mr. Tufts to buy both beer and whisky for his wife and have it sent to their house. He said Mrs. Tufts used to visit his saloon and that she was "a lively lady and full of fun," and that people who did not know her might think her drunk when she was not.

Mrs. Tufts, on her own behalf, testified that Attorney Jones wanted her to sign a paper to settle the case, but she refused. She did not tell him that she had joined her husband since the suit was instituted, and no such thing was ever talked of.

Attorney Jones, on cross-examination, was somewhat wroth at what he declared to be misstatements by the witness and requested that she "look him in the face and answer his questions," which she very sharply did, notwithstanding the objection taken by Mr. Rovers to Mr. Jones' "hypnotism" of the witness.

She insisted that Mr. Tufts was not composed of mere sentiment and was capable of transacting ordinary business.

After hearing the arguments Judge Baruch took the matter under advisement. The case, when it comes to trial, promises to be very sensational, and a number of very unsavory matters are expected to come up on both sides.

THE BUSY DIVORCE CASE.

The defendant charged with being a slave to opium.

Attorney Whittemore made application to be allowed to put in additional evidence in the divorce case of Joseph A. Busby vs. Ida Busby. It is contended that owing to the defendant being habitually addicted to the use of opium, she has rendered herself unfit to discharge properly the duties of a wife and mother.

Judge Baruch took time to consider the application, as he thought it was questionable whether the statute applied to the case of persons addicted to the opium habit.

SHORT ORDERS.

Short orders were made as follows and the court adjourned till Monday:

Fritz Reipen vs. A. G. Norrell, et al.; heretofore submitted on writ of certiorari, recall of execution denied.

Hiram Yeager vs. Emma S. Woodruff et al. Heretofore submitted on demurrer to answer. Now overruled. Monday, Aug. 14, 1893, set for hearing on order to show cause.

White River Valley Land and Live Stock company vs. R. S. Burraston. Thirty days' stay granted to prepare and file statement on motion for new trial and make exceptions to report of referee.

E. J. Devine vs. E. G. Steiner et al.; on motion of defendant's attorney, Saturday, Aug. 12, set to show cause why default should not be set aside.

Joseph Coblentz et al. vs. Driver Mercantile company et al.; ordered that default be entered against Driver Mercantile company and W. H. Remington for failure to answer complaint of intervention of A. B. Smith.

ANOTHER DIVORCE CASE.

Grave Charges Made by Thomas Darcey Against His Wife.

Thomas Darcey has commenced suit against Sarah Darcey for divorce in the Third district court. The complaint sets forth that the parties were married at Stockport, England, May 28, 1877; that plaintiff has been a resident of the territory of Utah for twelve months immediately preceding the commencement of this action. The plaintiff further alleges that the defendant did on or about July 4, 1893, commit adultery with William Connel at the residence of Mrs. Harris in Provo, and has repeated the crime at various times since and is now living and cohabiting with said Connel; she has deserted her lawful husband. Wherefore plaintiff prays for an absolute decree of divorce and the custody of three of their five minor children.

SUITS COMMENCED.

A Long List of Minor Actions Instituted Yesterday.

Jones & Schroeder have filed suit in the case of Granville Malcolm, H. B. Chamberlin and J. H. Drinkwater vs. Edgar S. DeGolyer to recover \$779.63 on a promissory note made June 17, 1887, payable Oct. 1, 1889, with interest at the rate of 1 per cent. per month.

James W. Neill has commenced suit against Matthew J. Franklin for the recovery of the possession of all that part of so-called defendant's Consolidated Lode mining claim lot No. 72, Camp Floyd mining district, for the lot in conflict between the Lady May claim and the Potocli claim, for the lot between the Vulture claim and the Potocli, for the lot between the Sullivan claim and the Potocli, for the lot between the Arab claim and the Sullivan, all in the Camp Floyd district, and costs of suit.

The complaint alleges that the claims in dispute are sought to be patented by the defendant Franklin from the United States government, but had previously been located by said plaintiff and are owned by him.

William T. Sampson has entered suit in the Third district court against Helen M. Morgan, John Morgan, Jr., A. Groesbeck and J. H. Clark to recover on a promissory note for \$380 with interest at 6 per cent. per annum.

Judgments Entered.

Judgments were entered in the Third district court yesterday as follows:

Frank T. Burmeister vs. N. H. Mix, for plaintiff in the sum of \$173.25 and \$8.75 costs.

The Deseret National Bank vs. the Western Cement Co., for plaintiff for \$18.20, costs \$30, interest at 10 per cent. per annum from March 3, 1892.

Charles M. Clinton vs. Simon Goldman, decree for plaintiff granting title to real estate.

The White River Valley Land and Live

Stock company vs. R. J. Runnison for plaintiff for \$1,123.77 and \$72.25 costs. Same plaintiff and same defendant judgment for the former for \$293.65 and \$125.35 costs.

Suits Begun.

The Johnson, Pratt Drug company are suing the Union Pharmaceutical company before Justice Lochrie to recover \$38 on attachment, for drugs sold and delivered.

William Smeeton has started in Justice Lochrie's court to recover \$16 for labor performed.

W. H. Hoffmeister has started an attachment suit before Justice Lochrie to recover \$25 from John Dahlin for merchandise.

W. H. Lindsay has commenced suit before Justice Lochrie to recover from the Saltair Beach company \$50 the value of a watch which the plaintiff deposited with the company for safe keeping whilst he went in bathing at the beach and which the company failed to return.

The question involved is the liability of the company as bailees and the decision is looked to with interest as it will establish a precedent.

O. L. Larsen has started suit in Justice Lochrie's court against A. Holt & Sons to recover \$17.55 on a due bill for labor performed.

Justice Lochrie issued a search warrant on information laid by John Whalen against the Union saloon. Whalen alleges that he was intoxicated and left his watch and \$40 in money with the saloon keeper for safe keeping and that the latter refused to return the same.

James Hoffman is suing William Vigild and John Dahlin in Justice Lochrie's court to recover \$80.65 for work done.

John H. White is suing W. H. Lowring in Justice Whitehouse's court to recover \$110 and interest on a promissory note.

Commissioners and Justices.

In Justice Hall's court the case of Harrington & Donnelly vs. Alf Jones, in which the plaintiffs sought to recover \$125 for commission on a sale of real estate was settled and dismissed.

Justice Hall gave judgment by default for the plaintiffs for \$100 and costs in the case of the Grand Island Cigar Company vs. John Egan for goods sold and delivered.

Judgment was entered for plaintiff by Justice Hall in the case of Kahn Bros. vs. John Egan for \$114.25 for goods sold and delivered.

The case of William E. Watson et al. vs. A. G. Paddock, in which plaintiff seeks to recover \$107.62 for hauling sand and gravel, was transferred from Justice Lochrie's to Justice Keeler's court on application of the defendant.

Justice Whitehouse rendered judgment by default in favor of the plaintiffs in the case of Kelly Bros. vs. John Egan for \$230 for goods sold and delivered.

In the case of O. L. Currie vs. Preston Nutter, judgment was rendered by Justice Whitehouse for the plaintiff in the sum of \$198.36, and an appeal was taken to the Third district court.

Probate Court.

Probate court orders were made yesterday by Judge Blair as follows:

Estate of Foramors Little; hearing on final account came on; Le Grande Young and James Little sworn and examined; proof of posting notices approved; order made appointing Edward Moran guardian on filing four bonds of \$150 each and taking the usual oath.

Estate of Luther Twichell; hearing on account of administrator came on; proof of publication of notices approved; continued to Aug. 23 at 10 a. m.

Estate of M. A. Campbell; continued to Aug. 11.

Estate of Janet F. Park; hearing on petition for probate of will came on; proof of posting and publication of notices approved; John B. Reed, George Sanille and Charles H. Spencer sworn and examined; order made admitting will to probate and appointing Catherine F. Spencer and Isaac W. Washall executors without bonds; order made appointing appraisers, also order of publication of notice to creditors.

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3:30 p.m. 4:40 p.m. 6:30 p.m. 8:10 p.m.

4:30 p.m. 5:40 p.m. 7:30 p.m. 9:10 p.m.

5:30 p.m. 6:40 p.m. 8:30 p.m. 10:10 p.m.

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